

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

DANIELLE MILLER,

Plaintiff,

Case No.

v.

VICTORIA'S SECRET STORES LLC,

Defendant.

COMPLAINT

NOW COMES THE PLAINTIFF, Danielle Miller, by her attorneys, Gingras, Thomsen & Wachs LLP, by Attorney Paul A. Kinne, who hereby states the following as her Complaint in the above-referenced matter.

NATURE OF THE CASE

1. Danielle Miller seeks redress in damages in relation to Victoria's Secret Stores LLC's unlawful termination of Miller on account of Miller's race and / or because Miller complained of race discrimination, both of which are violations of Title VII of the Civil Rights Act of 1964, as amended.

PARTIES

2. Danielle Miller (Miller), whose race is Black, has resided within the federal Eastern Judicial District of Wisconsin, at all times relevant hereto.

3. Victoria's Secret Stores LLC (VSS) is an employer that has done business within the federal Eastern Judicial District of Wisconsin, at all times relevant hereto.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this matter because Miller alleges a violation of federal law (Title VII), thus giving this Court jurisdiction under 28 U.S.C. sec. 1331.

5. Venue is proper because Miller lives within the Eastern District, VSS does business within the Eastern District, and the events giving rise to this case took place in the Eastern District.

FACTUAL ALLEGATIONS

6. Miller began working for VSS in August, 2016. During her employment there, VSS promoted her to a supervisor position.

7. During Miller's employment, Miller noted that her manager treated her differently and unfairly. For example, when Miller would assist a Black customer with a purchase, Miller's conduct would be subjected to close scrutiny. Management at VSS would also closely monitor Miller's whereabouts in the store, whereas similarly situated White employees were not subject to this scrutiny.

8. On or about September 24, 2017, Miller complained that her supervisor was mistreating her when compared to White staff members.

9. On October 23, 2017, VSS terminated Miller's employment, accusing Miller of theft.

10. In fact, similarly situated White employees engaged in the same or similar conduct, which was known to VSS, but those White employees were not terminated or disciplined.

11. During the course of Miller's employment at VSS, she never received a poor performance evaluation. Her performance was satisfactory at all times.

12. Miller filed a charge of discrimination against VSS with the Equal Employment Opportunities Commission and the State of Wisconsin Department of Workforce Development, Equal Rights Division, alleging race discrimination and retaliation in connection to her termination. This charge was filed within 300 days of Miller's termination.

13. Miller received her Right to Sue letter on or about February 18, 2022.

**FIRST CAUSE OF ACTION AGAINST VSS –
RACE DISCRIMINATION**

14. Miller restates the preceding paragraphs as if set forth fully herein.

15. When VSS terminated Miller's employment, it violated Title VII because VSS terminated Miller on account of her race.

16. This termination has caused economic and emotional injury to Miller.

**SECOND CAUSE OF ACTION AGAINST VSS –
RETALIATION**

17. Miller restates the preceding paragraphs as if set forth fully herein.

18. When VSS terminated Miller's employment, it violated Title VII because VSS terminated Miller on account of Miller's complaints of race discrimination.

19. This termination has caused economic and emotional injury to Miller.

WHEREFORE, the plaintiff demands a trial by jury, and the following relief:

- a. Judgment and an award of damages sufficient to compensate Miller for all of her losses;
- b. An award of punitive damages sufficient to punish VSS and deter others from acting similarly;
- c. Any equitable relief the Court deems just to award; and
- d. An award of attorney fees and costs.

Dated this 18th day of May, 2022.

s/ Paul A. Kinne
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